



TEXAS DEPARTMENT OF AGRICULTURE COMMISSIONER SID MILLER

August 21, 2020

Ms. Tawanda Maignan
Emergency Exemption Team Leader
Risk Integration, Minor Use, and Emergency Response Branch
U.S. EPA Office of Pesticide Programs
2777 Crystal Drive
Arlington, VA 22202
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Subject: *Public Health Emergency Exemption 20TX04 Revision*

Dear Ms. Maignan:

The Texas Department of Agriculture (TDA) is formally amending its original request (20TX04) for a Public Health Emergency Exemption, requested under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended. TDA's request is for the use of 1-Octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride formulated as **SurfaceWise2®** (unregistered) to control SARS-CoV-2 on non-porous non-food surfaces and to reduce the spread of COVID-19 in two Total Orthopedics Sports & Spine facilities in Texas.

What follows is a brief synopsis of the changes to the original request:

- The Section 18 proposed use directions now states, “for continued protection, **SurfaceWise2®** may be reapplied as frequently as every 7-days”, versus 90-days in the original.
- The Section 18 proposed use directions now states that this reapplication interval may be extended with approval by the U.S. Environmental Protection Agency, as additional efficacy data are developed.

- Further revisions have also been made to the Personal Protective Equipment section on original Section 18 proposed use directions. Specifically, a requirement for long pants, shoes, and socks have been added.
- Revisions have also been made to the overall directions for use, as well as to the Precautionary Statements reflective of current EPA guidelines.
- The changes to the reapplication interval have resulted in changes to the Total Coverages and Maximum Usage figures in the original request. Specifically, the potential total coverage is now up to 1.56 million square feet of surface area (30,000 square feet treated up to a maximum of 52 times per annum). Further, the maximum total product usage based on up to 52 applications is 484 gallons of **SurfaceWise2®**, or approximately 30 pounds of active ingredient (0.063 pounds of active ingredient per gallon of **SurfaceWise2®**).

In all instances, revisions to the Section 18 proposed use directions (appended) take precedence over declarations in the original request and are intended as formal amendments to the original request.

Total Orthopedics continues to believe that deploying **SurfaceWise2®** as part of their routine cleaning and disinfecting protocols will provide additional protection against SARS-CoV-2. Additionally, approval of the revised Emergency Exemption Request will help restore consumer confidence in returning to normal/routine services.

Allied BioScience, Inc. has been notified of the revisions and supports this request for modification.

On behalf of the Texas Department of Agriculture, we sincerely appreciate all of the time and effort EPA has made to help ameliorate this serious public health problem. If you have any comments or questions regarding this submission, please contact Mr. Kevin Haack at 512-463-6982 or email at Kevin.Haack@TexasAgriculture.gov.

Sincerely,



Mr. Philip Wright
Administrator for Regulatory Affairs
Texas Department of Agriculture